

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The non-final Office Action dated June 7, 2005, indicated that the Specification is objected to as the preliminary amendment fails to correctly identify the title of application serial number 10/041,756; and claims 1-23 are rejected under 35 U.S.C. § 102(b) over Yacenda *et al.* (U.S. Patent No. 5,822,418).

With respect to the objection to the Specification, Applicant has amended the first paragraph of the application to correctly identify the title of application serial number 10/041,756. In view of this amendment, Applicant submits that the objection to the Specification has been overcome and requests that it be removed.

Applicant has amended each of the independent claims, as well as corresponding dependent claims, to further characterize the telephony system as a telephony system capable of communicating via the Internet. Support for these amendments may be found in the instant Specification, for example, at page 16, lines 19-22 and page 20, lines 1-5. Support for amendments made to claim 3 and for new claim 24 may be found, for example, at page 13, lines 1-20. None of these amendments introduce new matter.

Applicant submits that the claimed invention, as amended, is patentable over the cited '418 reference because the '418 reference makes no reference to the internet or internet-telephony. With particular respect to claim 11, the '418 reference makes no mention of a cellular phone or using the '418 system with a cellular phone. Further, Applicant fails to recognize where the '418 reference teaches limitations directed to disabling an operating mode in response to an inactive-user condition, *e.g.*, claim 4. In accordance with the above amendments and remarks, Applicant submits that the Section 102(b) rejection cannot be maintained because the '418 reference fails to teach each of the claimed limitations and accordingly requests that the rejection be withdrawn.

In view of the above discussion, Applicant believes that the rejection has been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is encouraged to contact the undersigned at (651) 686-6633.

Respectfully submitted,

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